

Appln. No.: 10/757,844
Amendment Dated November 20, 2006
Reply to Office Action of August 18, 2006

MATP-641US

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Remarks/Arguments:

Claims 1-24 are pending in the above-identified application. Claims 1-23 were rejected. New claim 24 has been added.

Claims 21-23 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant respectfully requests reconsideration of this rejection.

With regard to claims 21-23, the claims have been amended to recite, "A tangible computer readable medium..."

Claims 1, 4-5, 9-10, 14-15 and 20-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bellwood et al. Applicant respectfully requests reconsideration of this rejection.

With regard to claim 1, Bellwood et al. do not disclose or suggest, "storing the adjusted offset..." Basis for this amendment may be found in paragraph [0039] and Fig. 1.

As shown at Figure 4 of Bellwood et al., the image shifter 404 provides the offset to the projection gun 406 and the shift corrector 408. The offset is adjusted through time to slowly shift the image. (Col. 3, lines 35-37). Bellwood et al., however, do not store the offset. In contrast, according to an exemplary embodiment of Applicant's invention, the memory 108 stores the last adjusted offset of the active image within the video display 102. (Para. [0039] and Fig. 1).

Storing the offset gives Applicant's invention several advantages. First, the shifting of the image may be continued if the display apparatus is powered off and then powered on. If the offset were not stored, then the image would always start up in the same position which would result in increased use of that area, causing greater burn-in effects. (See para. [0037]). Because Bellwood et al. do not store the last position, they must either start again at an initial position (which has the burn-in problems mentioned above) or leave the projection gun in its final position when the device is turned on and resume from that position when the device is turned on. Further, when the display apparatus in Bellwood et al. is powered back on, the determined offset may require the projection gun to shift in a certain direction. The projection gun however, may not be able to shift the gun in a certain direction because it may have

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reached its limit in the determined direction of movement before the display apparatus was turned off.

Because Bellwood et al. does not disclose or suggest the features of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 102(e) in view of Bellwood et al. Claims 4-5 and 9 depend from claim 1. Accordingly, claims 4-5 and 9 are also not subject to rejection under 35 U.S.C. § 102(e) in view of Bellwood et al.

With regard to claim 10, claim 10, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 10 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1. Claim 14 depends from claim 10. Accordingly, claim 14 is also not subject to rejection under 35 U.S.C. § 102(e) in view of Bellwood et al.

With regard to claim 15, claim 15, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 15 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1. Claim 20 depends from claim 15. Accordingly, claim 20 is also not subject to rejection under 35 U.S.C. § 102(e) in view of Bellwood et al.

With regard to claim 21, claim 21, while not identical to claim 1, includes features similar to those set forth above with regard to claim 1. Thus, claim 21 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1.

Claims 2-3, 6-8, 11-13, 16-19 and 22-23 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Bellwood et al. and Official Notice taken by the Examiner.

With regard to claims 2, 11, 16 and 22, the Examiner states that Bellwood does not recite a zoom function. The Examiner takes Official Notice, however, of the concept of reducing burn-ins on different sized aspect ratio signals/displays using a zoom function. In Bellwood et al., the projection gun 406 is mechanically shifted in response to the offset value provided by the image shifter 404. (Col. 3, lines 32-37). The projected image is shifted around the screen to prevent burn-ins. If a zoom function were implemented in Bellwood et al., the boundaries of the projected image would not be affected. Although the image would be altered within the boundaries, the zoom would not change the location of the image with respect to the screen in order to prevent burn-ins. Thus, one skilled in the art would not be motivated to combine

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Bellwood et. al. with a zoom function to meet the limitations of claims 2, 11, 16 and 21 because the offset would not be determined by a calculation of a zoom value, as recited in the claims.

In Applicant's invention, the active video detector 104 determines the boundaries of the active image by subtracting the detected inactive areas from the video signal and identifies one or more parameters that **define the boundaries** of the active image. (Para. [0030]). The active video detector 104 also calculates a zoom value that results in the active image filling the video display 102 along at least one dimension when applied to the active image of the video signal. Further, the active video detector 104 calculates a zoom parameter in a known manner from the aspect ratio of the intended video display and the boundary parameters determined at block 204. (Para. [0031]). Thus, in the exemplary embodiment of Applicant's invention, the zoom may change the location of the image or at least the amount of the screen occupied by the image and the offset is determined by a calculating of a zoom value, as recited in the claims.

Accordingly, claims 2, 11, 16 and 22 are also not subject to rejection under 35 U.S.C. § 103(a) in view of Bellwood et al. and Official Notice taken by the Examiner.

With regard to claims 3 and 17, the Examiner states that Bellwood et al. does not recite the synchronization of the signal and adjusting the display regarding the sync signal. The Examiner further states that the concept of synchronously locking onto the signal is conventional practice as admitted in applicant's own disclosure. The MPEP recites, however,

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. [The prior art references] fail to suggest any motivation for, or desirability of, the changes espoused by the Examiner and endorsed by the Board.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP §706.02(j). (Emphasis added)

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Further, the Federal Circuit has determined,

"[I]t is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that " [o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fritch*, 23 USPQ2d 1780, 1783, 1784 (Fed. Cir. 1992).

Applicants respectfully traverse this rejection because there is no evidence in the record that the teaching or suggestion to make the claimed combination and the reasonable expectation of success is found in the prior art. The motivation to combine synchronously locking onto the signal is found only in Applicant's own disclosure. Accordingly, claims 3 and 17 are also not subject to rejection under 35 U.S.C. § 103(a) in view of Bellwood et al. and Official Notice taken by the Examiner.

With regard to claims 6 and 7, the Examiner states that Bellwood et al. does not recite the non-detection of movement by the human eye and the predefined rate being less than two pixel rows per minute. Further, the Examiner states that Bellwood et al. discloses shifting the image slowly and "Bellwood et al. would clearly desire to not have the viewer moving their views due to a fast moving directional image." However, the motivation to combine the non-detection of movement by the human eye and the predefined rate being less than two pixel rows per minute is found only in the Applicant's own disclosure. As described above, the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Accordingly, claims 6 and 7 are also not subject to rejection under 35 U.S.C. § 103(a) in view of Bellwood et al. and Official Notice taken by the Examiner.

With regard to claims 8, 13, 19 and 23, the Examiner states Bellwood et al. does not recite writing the image to a buffer area. However, the motivation to combine writing the image to a buffer area is found only in the Applicant's own disclosure. As described above, the

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teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Accordingly, claims 8, 13, 19 and 23 are also not subject to rejection under 35 U.S.C. § 103(a) in view of Bellwood et al. and Official Notice taken by the Examiner.

With regard to claims 12 and 15, the Examiner takes Official Notice of storing the last known setting. This use of Official Notice is not consistent with USPTO policy, as stated in the memorandum of February 21, 2002 from Stephen G. Kunin, Deputy Commissioner for Patent Examination Policy to the Patent Examining Corps Technology Center Directors. In The memorandum is entitled: "Procedures for relying on facts which are not of record as common knowledge or for taking Official Notice," it is stated:

Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known. . .

It would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. For example, assertions of technical facts in the areas of esoteric technology or specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.

It is never appropriate to rely solely on "common knowledge" in the art without evidentiary support in the record, as the principal evidence upon which a rejection was based. . .
(emphasis in original)

Applicants respectfully traverse the Official Notice, common-knowledge, assertion upon which this rejection was based. There is no evidence in the record of storing the adjusted offset, as defined in claims 12 and 15.

If the Examiner continues to assert that this element of claims 12 and 15 is well known, Applicants respectfully request that a "citation to some reference work recognized as standard in the pertinent art" be provided.

New claim 24 has been added. Basis for claim 24 can be found at paragraphs 0037 and 0039. However, no new matter has been added.

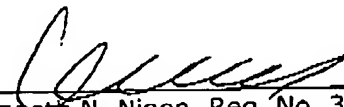
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In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-23 and allow newly added claim 24.

Respectfully submitted,


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KNN/pb


Dated: November 20, 2006

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November 20, 2006


Patricia C. Bocella

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